

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)**

DR. JOSE MICHAN-LEVY, et al.	:	
	:	
v.	:	No.: 21-01917
	:	
ABC CAPITAL INVESTMENTS, LLC,	:	
et al.	:	

ORDER

AND NOW, this ____ day of August 2022, upon consideration of Plaintiffs' Motion to Enforce Settlement Agreement, and any response thereto, it is hereby **ORDERED** and **DECREED** that Defendants shall pay the remaining settlement funds, totaling \$182,000, to Plaintiffs' Counsel within ten days of the date of this Order or suffer sanctions upon further application to this Court.

BY THE COURT:

Hon. Lynne A. Sitarski, M.J.

WEISBERG LAW

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Attorneys for Plaintiffs

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PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT AGREEMENT

Plaintiffs, Dr. Jose Michan-Levy and Lifelight Group LLC, by and through their undersigned counsel, hereby bring this Motion to Enforce Settlement Agreement and respectfully requests this Honorable Court to enter Plaintiffs' proposed order, for the following reasons:

1. On or about April 26, 2021, Plaintiffs initiated this lawsuit against, inter alia, Defendants, ABC Capital Investments, LLC, ABC Capital RE, Ltd, ABC Capital RE, ABC Capital Miami, LLC, ABC Capital-Baltimore, LLC, ABC Management-Baltimore, LLC, Philly Metro Builders, LLC, ABC Capital Finance, LLC, ABC Capital Holdings, LLC, ABC Capital Income Fund, LLC, ABC Capital Realty, LLC, 477 Management, LLC, 477 International Realty, LLC, IPP USA, LLC, Stateside APM, Ricardo Scattolini, Florencia Melendez, Jason P. Walsh, Amir Vana, and Yaron Zer with claims sounding in, *inter alia*, violations of the Racketeer Influenced and Corrupt Organizations Act.

2. On or about February 3, 2022, Plaintiffs and Defendants attend a settlement conference before this Honorable Court and resolved their disputes.

3. Following additional intervention from this Honorable Court, the parties agreed to a written agreement reflecting the terms of the February 3, 2022 settlement on or about March 22, 2022. A true and correct copy of the fully executed settlement agreement is attached hereto as Exhibit A.

4. The settlement agreement called for a total payment of \$257,000, payable in four payments beginning on March 3, 2022 and ending on August 31, 2022. *See* Exhibit A, Page 1. Additionally, the settlement agreement called for Plaintiffs to transfer a certain property to Defendants subject to certain conditions. *Id.*

5. Unfortunately, Defendants failed to make the second settlement payment, which resulted in a conference call before this Honorable Court on or about April 26, 2022.

6. As a result of continued good-faith, Plaintiffs and Defendants entered into a stipulation that was approved by this Honorable Court on April 28, 2022. *See* Exhibit B (Doc. 59) (Approved Stipulation).

7. Pursuant to the Approved Stipulation, Defendants were to:

- a. Defendants were to pay the total sum of \$182,000 by May 31, 2022;
- b. Defendants were to draft and provide all necessary documents to effectuate the transfer of the certain property from Plaintiffs to Defendants by May 31, 2022.
- c. Defendants were to make the final payment of \$50,000 by August 31, 2022.

See Exhibit B, Page 3.

8. However, on May 31, 2022, Counsel for Defendants conveyed that his clients were unable to pay the funds. *See* Exhibit C.

9. Ultimately, on May 31, 2022, the Parties, through their Counsel, agreed to adjust the terms as follows:

- a. Defendants would make a payment of \$50,000 on May 31, 2022;
- b. Defendants would effectuate the transfer of the certain property and make a payment of \$93,000 by June 15, 2022; and,
- c. Defendants would make a final payment of the remaining sums by July 15, 2022.

See Exhibit C.

10. Defendants made the second payment of \$50,000 on or about June 1, 2022.

11. However, Defendants began requiring different documents to effectuate the transfer, such as a notarized HUD-1 statement, business registration, and other items. Ultimately, all requested documents were provided by July 12, 2022. *See Exhibit D.*

12. However, since July 12, 2022, Counsel for Defendants has failed to respond to communications. *See Exhibit E.* Further, the title company retained by Defendants have substantively failed to respond to communications.

13. To date, Defendants have failed to effectuate the transfer of the certain property and have failed to pay the remaining sums of the settlement payments, i.e. Defendants have failed to pay \$182,000 of the \$257,000 settlement funds.

14. On August 4, 2022, Undersigned Counsel emailed Counsel for Defendants requesting a time for a phone call to discuss the status of this matter; Counsel for Defendants has not responded. *See Exhibit F.*

15. On August 10, 2022, Undersigned Counsel emailed Counsel for Defendants regarding this instant motion; Counsel for Defendants did not respond.

16. Unfortunately, Plaintiffs now request this Honorable Court enter the attached Order requiring Defendants to pay the remaining settlement funds to Plaintiffs' Counsel within ten days of the date of this Order or suffer sanctions upon further application to this Court.

WHEREFORE, Plaintiffs, Dr. Jose Michan-Levy and Lifelight Group LLC, by and through their undersigned counsel, respectfully requests this Honorable Court to enter Plaintiffs' proposed order, enforcing the settlement agreement entered into by the Parties.

Respectfully Submitted,

WEISBERG LAW

/s/ L. Anthony DiJiacomo, III
Matthew B. Weisberg, Esquire
L. Anthony DiJiacomo, III, Esquire
Attorneys for Plaintiffs

WEISBERG LAW

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CERTIFICATE OF SERVICE

I, L. Anthony DiJiacomo, III, Esquire, hereby certify that on this 11th day of August 2022, a true and correct copy of Plaintiffs' foregoing Motion was served via ECF on the following counsel:

Andrew Swain, Esq.
THE SWAIN LAW FIRM, LLC
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Bensalem, PA 19020

WEISBERG LAW

/s/ L. Anthony DiJiacomo, III
Matthew B. Weisberg, Esquire
L. Anthony DiJiacomo, III, Esquire
Attorneys for Plaintiffs